

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CASSANDRA R SKUSTER
Claimant

CRONIN SKILTON & SKILTON PLLC
Employer

APPEAL NO. 21A-UI-15392-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/11/21
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 1, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 31, 2021. Claimant participated. Employer participated by Christine Skilton and David Skilton.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 2, 2021. Claimant voluntarily quit on that date after she became frustrated when the attorney she was working for found multiple errors on documents claimant had prepared for a client. Employer addressed these flaws and told claimant of the importance of properly filling out Powers of Attorney. The attorney additionally pointed out that the client in question was very frustrated through her dealings with claimant.

Claimant became frustrated as she felt employer was talking to her and standing over her in an intimidating manner. She decided that she could no longer deal with the situation, and left her keys and quit in the middle of the workday.

Claimant had previously threatened to quit when working for employer at a trial employer was conducting. Claimant became frustrated with employer and wanted to quit, but employer's office managing partner talked her out of this.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.25(22) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

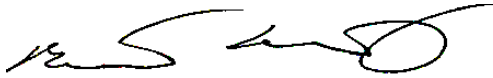
(22) The claimant left because of a personality conflict with the supervisor.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant has not expressed an ongoing disrespectful attitude by the attorney with whom she had conflicts. Additionally, she did not express insults offered by the attorney or a treating of claimant in any matter other than sternly when claimant committed errors.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was not comfortable with employer's personality and way of dealing with his employees. This does not constitute good cause attributable to employer. Benefits are denied.

DECISION:

The decision of the representative dated July 1, 2021, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

September 7, 2021
Decision Dated and Mailed

bab/mh